

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

ERICK HERNANDEZ,

Plaintiff,

v.

DALE NELSON, *et al*,

Defendants.

Case No. C08-5242 FDB/KLS

ORDER STRIKING PLAINTIFF'S
MOTION FOR TEMPORARY
RELIEF

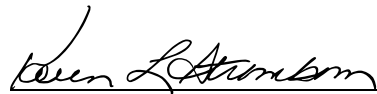
This civil rights action has been referred to United States Magistrate Judge Karen L. Strombom pursuant to Title 28 U.S.C. § 636(b)(1) and Local MJR 3 and 4. Before the court is Plaintiff's motion for an order and declaration of rights, which was noted by the Clerk of the Court for May 16, 2007. (Dkt. # 5). Plaintiff's motion was filed prior to the time Plaintiff was granted leave to proceed *in forma pauperis* and prior to service of the Complaint on Defendants. In addition, by separate order, Plaintiff will be ordered to file an addendum to his complaint to properly state a claim for relief. Accordingly, the court finds that the present noting date on Plaintiff's motion for an order and declaration of rights should be stricken to allow Plaintiff time to properly plead and to allow for service of the amended pleading upon defendants.

Accordingly, it is **ORDERED:**

ORDER - 1

- (1) The noting date for Plaintiff's motion for an order and declaration of rights (Dkt. # 5) is **STRICKEN**; after Defendants have been served with the Complaint and appeared of record, Plaintiff may file, serve and re-note the motion in accordance with the Rules governing filing and serving of motions;
- (2) The Clerk is directed to send copies of this Order to Plaintiff and a courtesy copy of the Complaint (Dkt. # 4) to the United States Attorney for the Western District of Washington and to Joan K. Mell, Attorney at Law, Miller, Quinlan & Auter, PLS., Inc., 1019 Regents Blvd., Suite 204, Fircrest, WA 98466.

DATED this 8th day of May, 2008.



Karen L. Strombom
United States Magistrate Judge